IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11560 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHARAT PIPES INDUSTRY

Versus

NANAJI OKHAJI PATANI

Appearance:

MR JV JAPEE for the Petitioner.

MR MUKUL SINHA for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 14/09/2001

ORAL JUDGEMENT

Rule. With the consent of the parties, the matter is taken up for hearing today.

The petitioner-Company has challenged the Award passed by the Labour Court, Kalol in Reference (LCK) No.217 of 1987. By the impugned order, the concerned workman is ordered to be reinstated in service with full

back wages. Today, both the sides have agreed that the concerned workman, who is already reinstated in service, should be confirmed and that the order of the Labour Court can be modified, and instead of full back wages, the workman has shown willingness to accept, in all, 40% back wages towards the intervening period. In view of the aforesaid consensus between the parties, the order of the Labour Court is modified to the above extent and the order of reinstatement is confirmed. However, the concerned workman will be entitled to back wages only upto 40% for the intervening period, i.e. till the date on which he was reinstated in service. The order of the Labour Court is accordingly modified to the aforesaid extent. The petitioner is directed to comply with this order regarding payment of back wages of 40%, and whatever amount which is required to be paid to the concerned workman on the basis of the said modified order, should be paid latest by 30th November, 2001.

The petition is accordingly partly allowed to the aforesaid extent. The order of the Labour Court is accordingly modified as indicated above.

Rule is made partly absolute with no order as to costs.

14th September, 2001 (P.B. Majmudar, J.)

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(apj)